

A RESOLUTION

BY TRANSPORTATION COMMITTEE

03-*ℓ*-0088

A RESOLUTION RESCINDING RESOLUTION NUMBER 02-R-0205, WHEREIN THE MAYOR WAS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE RELINQUISHMENT TO THE CITY OF APPROXIMATELY 6.1 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT.

WHEREAS, the City of Atlanta ("City") Atlanta City Council adopted Resolution 02-R-0205 on February 18, 2002, and the Resolution was approved by the Mayor on March 5, 2002; and

WHEREAS, Resolution 02-R-0205, a copy of which is attached hereto as Exhibit I, authorized the Mayor to enter into an Agreement with Delta Air Lines, Inc., ("Delta") which would provide for the relinquishment by Delta to the City of approximately 6.1 acres of land within its Leased Premises under the Amended and Restated Lease Agreement ("TOC Lease") for Technical Operations Center ("TOC") at the Hartsfield Atlanta International Airport ("Hartsfield"); and

WHEREAS, under the proposed Agreement, the City would have paid to Delta the sum of Fourteen Million, Eight Hundred Eighty Nine Thousand, Two Hundred and Fourteen Dollars (\$14,889,214.00) in full settlement all of Delta's right, title, interest and claims arising out of Delta's relinquishment to the City that portion of Delta's Leasehold interest and the continued temporary use of said property for employee parking for up to one (1) year thereafter; and

WHEREAS, the above actions were anticipated to be taken to enable the construction of a new Eastside Terminal and related aircraft ramp, entrance roadway, and vehicle parking facilities under the Hartsfield project formerly known as the Concourse E Expansion and Landside Access ("CEELA") project; and

WHEREAS, prior to execution of the contemplated Agreement, the design and scheme of the CEELA project was significantly revised and renamed the East International Terminal ("EIT") project; and

WHEREAS, the Federal Aviation Administration ("FAA") and the City have jointly determined that the new Air Traffic Control Tower ("ATCT"), to be constructed in support of the fifth runway project at Hartsfield, must be sited adjacent to and partially upon land comprising the Delta TOC; and

WHEREAS, the EIT project and the ATCT have jointly caused a significant change in the scope and cost of this enabling project and the terms of the above described Agreement are no longer relevant or applicable to the project; and

WHEREAS, Delta and the City now desire to enter into an alternate agreement providing for the relinquishment by Delta to the City of land within its Leased Premises under the TOC Lease at Hartsfield; and

WHEREAS, in order to mitigate and cure the damages to the Delta TOC Leasehold caused by that taking, Delta and the City also desire to simultaneously enter into a companion Reimbursable Agreement, under which Delta would design and construct certain replacement and interim facilities and operate a temporary employee busing service, at a cost to the City not-to-exceed Thirteen Million, Five Hundred and Eleven Thousand, and Thirty Six Dollars (\$13,511,036.00); and

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, Resolution 02-R-0205 must be rescinded so that the Mayor can execute simultaneously that alternate Agreement and the Reimbursable Agreement jointly as a replacement for the Agreement contemplated under Resolution 02-R-0205.

BE IT FURTHER RESOLVED that Resolution 02-R-0205 is hereby rescinded.